IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

CWP No.7326 of 2005
Date of decision: 12.7.2007

Jit Singh.

-----Petitioner

Vs.

State of Punjab and others.

-----Respondents

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE AJAI LAMBA

Present: Mr. H.S. Dhindsa, Advocate
for the petitioner.

Mr. S.S. Brar, Advocate
for respondents.

Adarsh Kumar Goel, J.

This petition challenges letter dated 5.10.2004 (Annexure P-3), declining prayer of the petitioner for granting the benefit of adhoc service for pensionary benefits.

Case of the petitioner is that he joined service of the Punjab State Electricity Board on 27.1.1976 and worked on adhoc basis till 8.8.1978. His services were regularized on 9.8.1978 and he retired on 31.7.2000. He claimed the benefit of adhoc service towards qualifying service for pension, which has been declined. Hence this petition.

The petition has been contested and it has been stated that adhoc service of the petitioner is not countable towards pension in view of Punjab Civil Services Rules, Vol. II, Chapter-3.

The petitioner relies upon Full Bench judgment of this Court in ***Kesar Chand v. State of Punjab and others*** AIR 1988 Punjab & Haryana 265, wherein it has been held that once services of a work-charged employee are regularized, there is no logic to deprive him of the pensionary benefits available to other public servants. Even the temporary or officiating service of the Government has to be reckoned for determining the qualifying service.

Learned counsel for the respondent-Board is unable to dispute the applicability of the Full Bench judgment ***Kesar Chand*** *(s*upra) to the present case.

In view of Full Bench judgment of this Court, we are of the view that case of the petitioner is required to be re-considered.

Accordingly, this petition is allowed. Letter (Annexure P-3) is set-aside and a direction is issued for re-considering the case of the petitioner in accordance with law within three months from the date of receipt of a certified copy of this order.

(ADARSH KUMAR GOEL)
JUDGE

July 12, 2007 **(AJAI LAMBA)**
ashwani **JUDGE**